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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,360	09/29/2000	Emeric Thibierge	001254	7133

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER	/6
1771		

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n No.</b>	<b>Applicant(s)</b>	
	09/647,360	THIBIERGE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victor S Chang	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 September 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 14-39 is/are pending in the application.

4a) Of the above claim(s) 34-39 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 14-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 14-33 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that this application is a national stage of an international application, so that the rule regarding "unity of invention" must be applied, and the common special technical feature in claims 14-33 and 34-39 is a deposit of adhesive on a transparent or translucent face. This is not found persuasive because depositing adhesive on a transparent or translucent face or substrate is old and well known, as such it does not make contribution over prior art and it is not applicable as a special technical feature.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Examples include:

In claim 14, line 1, the term “faces” is vague and indefinite. It is unclear what the “faces” encompasses, and “Product” should be “Sealable envelope” or similar language.

In claim 15, line 1, the phrase “front face” and “back face” are again vague and indefinite. The Examiner suggests Applicant submit figures and include component reference numbers in the claims. Further, at line 2, the configuration and location of “flaps” are vague and indefinite. Without clear illustration, it is virtually impossible to positively understand the shape of the claimed product.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0256731 either taken individually, or in view of Akridge et al. (US 5687903).

EP '731 is directed to a sealable envelope (Abstract). EP '731 teaches that it is possible to make the entire front panel, back panel, or both, of transparent or translucent material (column 2, lines 54-56) for visual inspection (Abstract). As shown in Fig. 1, EP '731 teaches that the glues lines could be applied to the back panel, or both panels, and may be either solid or interrupted, and may be composed of either pressure sensitive, heat activated, or moisture activated glue or adhesive (column 4, lines 51-56). Further, it is believed that the visibility of the glue or adhesive by

transparence and reflection and viewing effects are inherent properties of an envelope with transparent or translucent envelope panels. Although EP '731 lacks express teaching of the configuration of the envelope and laying the glue or adhesive in parallel lines, it is believed that the various configurations of the envelopes and laying adhesives in parallel strips are old and well known. Alternatively, Akridge's invention teaches that flaps and parallel adhesive lines can be placed at suitable locations to form an envelope (Figs. 2, 3a, 3b, 3c). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art to modify the transparent envelop of EP '731 with various shapes and adhesive lines as taught by Akridge, motivated by the desire to provide a transparent or translucent envelope which can be visually inspected without unsealing it. Finally, note also as evidence the state of the art Leander (US 2510120), which teaches that laying various shapes and forms of adhesive strips on a substrate at suitable locations is well within the ordinary skill in the art (Figs. 1 and 2).

For claims 28-29, although EP '731 does not expressly teach the use of pigment containing glue, however, it is believed that using pigment to enhance the visual effect of polymeric material, such as an adhesive, is old and well known, as such it would have been obvious to one of ordinary skill in the art to include a pigment in the adhesive, motivated by the desire to enhance the esthetic appearance of the product.

With respect to product-by-process claims 30-33, Applicant must show that the resultant article is patentably distinct from those taught by the reference. It should be pointed out that product-by-process claims are product claims and that to be limiting in a product claim, a process limitation must be evidenced as effecting the structure or

chemistry of the resultant product over the prior art. Further, the burden of proof for this showing is on Applicant after the Examiner presents an otherwise *prima facie* rejection.

Note MPEP 2113 for a more detailed description.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

VSC  
VSC  
September 26, 2002

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1900-  
1700

*Daniel Zirker*